

10/529010

Atty. Dkt. No. 036481-0164

JC17 Rec'd PCT/PTO 24 MAR 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Chris Robert LIVELY et al.  
Title: NUCLEIC ACID COATED PARTICLES  
Int. Appl. No.: PCT/GB03/04202  
Int. Appl. Filing Date: 09/29/2003  
Examiner: Unassigned  
Art Unit: Unassigned

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

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**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the date of entry of the national stage as set forth in 37 CFR §1.491.

**RELEVANCE OF EACH DOCUMENT**

The documents listed on the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding International application, PCT/GB03/04202. Copies of the documents are not being provided since copies should have been provided directly by WIPO under an exchange program between the PTO, the EPO and the JPO. A copy of the International Search Report setting forth the portion of each reference considered relevant by the examiner is attached.

Applicant respectfully requests that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

*Michael M. Aiken*Date March 24, 2005By Reg No. 34,717

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| Substitute for form 1449B/PTO                        |  | Complete if Known              |                     |
| <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> |  | <b>Int. Application Number</b> | PCT/GB03/04202      |
|  |  | <b>Int. Appl. Filing Date</b>  | 09/29/2003          |
|  |  | <b>First Named Inventor</b>    | Chris Robert LIVELY |
|  |  | <b>Group Art Unit</b>          | Unassigned          |
|  |  | <b>Examiner Name</b>           | Unassigned          |
|  |  | <b>Attorney Docket Number</b>  | 036481-0164         |

(use as many sheets as necessary)

Sheet 1 of 1

| U.S. PATENT DOCUMENTS |                       |                      |                                   |   |  |   |
|-----------------------|-----------------------|----------------------|-----------------------------------|---|--|---|
| Examiner Initials*    | Cite No. <sup>1</sup> | U.S. Patent Document |                                   | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|                       |                       | Number               | Kind Code <sup>2</sup> (if known) |   |  |   |
|                       | A1                    | 4,945,050            | A                                 | John C. SANFORD et al.                          | 07-31-1990                                       |   |
|                       | A2                    | 5,204,253            | A                                 | Ronald BRUNER et al.                            | 04-20-1993                                       |   |
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|                       |                       |                      |                                   |   |  |   |

| FOREIGN PATENT DOCUMENTS |                       |                         |                     |                                      |  |   |   |                |
|--------------------------|-----------------------|-------------------------|---------------------|--------------------------------------|--|---|---|----------------|
| Examiner Initials*       | Cite No. <sup>1</sup> | Foreign Patent Document |                     |                                      | Name of Patentee or Applicant of Cited Documents | Date of Publication of Cited Document<br>MM-DD-YYYY | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T <sup>6</sup> |
|                          |                       | Office <sup>3</sup>     | Number <sup>4</sup> | Kind Code <sup>5</sup><br>(if known) |  |   |   |                |
|                          | A5                    | WO                      | 00/26385            | A                                    | POWDERJECT VACCINES INC.                         | 05-11-2000  |   |                |
|                          | A6                    | WO                      | 01/83528            | A                                    | POWDERJECT RES LTD et al.                        | 11-08-2001  |   |                |
|                          |                       |                         |                     |                                      |  |   |   |                |

| NON PATENT LITERATURE DOCUMENTS |                       |   |                |
|---------------------------------|-----------------------|---|----------------|
| Examiner Initials*              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.            | T <sup>6</sup> |
|                                 | A7                    | FYNAN et al., "DNA Vaccines: Protective Immunizations by Parenteral, Mucosal and Gene-Gun Inoculations," <u>Proceedings of the National Academy of Sciences of USA</u> , 15 December 1993, pp. 11478-11482, vol. 90, No. 24, National Academy of Science, Washington, USA |                |
|                                 |                       |   |                |
|                                 |                       |   |                |

|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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